

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

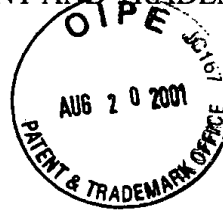
APPLN. OF: SCHWARTZ et al

SERIAL NO.: 09/801,353

FILED: March 7, 2001

FOR: MASSAGING BED REST WITH LIGHT

DOCKET: BROOKSTONE 00.04



Assistant Commissioner of Patents and Trademarks
Washington, D.C. 20231

#4

PRIOR ART DISCLOSURE STATEMENT

Dear Sir:

In connection with the above-entitled matter, Applicants wish to bring to the attention of the U.S. PTO Examiner, prior art considered prior to the initial filing, or uncovered in a post filing prior art search.

U.S. Patent No. 5,895,365 teaches a massaging bed rest cushion with a built-in vibrating back massage.

U.S. Patent Nos. 5,020,517; 5,188,096; 5,836,900; and 6,077,238 teach various massaging apparatus for placement over an existing chair or seat.

U.S. Patent Nos. 4,686,967; 5,033,458; 5,184,607; 5,460,598; 5,462,515; 5,713,832; 5,827,206; 5,836,645; and 5,868,687 teach various types of seats or chairs having built-in massaging devices.

U.S. Patent No. 4,233,649 teaches a treatment chair with a cool-light lamp for dental and medicinal purposes; and U.S. Patent No. 6,126,233 teaches a child safety car seat with a built-in illumination system for permitting monitoring of a child or infant therein.

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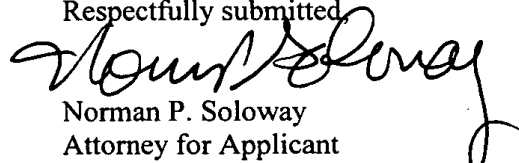
None of the art known to Applicants teaches or suggests a cushion for supporting a person in a seated position and having a light source for providing light for a user, mounted to the back portion by an arm as required by claim 1 of the subject application, or a massaging bed cushion for supporting a person in a sitting position as required by claim 27 of the subject application.

Accordingly, it is believed that independent claims 1 and 27, and the several claims directly or indirectly dependent thereon all are novel and patentable over the art of record.

This Prior Art Disclosure Statement is being filed prior to the issuance of the First Action on the merits. Accordingly, no fee is believed necessary. In the event there are any fee deficiencies or additional fees are payable, please charge them- or credit any overpayment- to our deposit account number 08-1391.

Attached is U.S. Patent Office Form PTOL-1449, including copies of the prior art references listed therein.

Respectfully submitted,


Norman P. Soloway
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner of Patents and Trademarks, Washington, D.C. 20231 on August 16, 2001 at Tucson, AZ

By: Kim Hood